



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4242

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

765 ILCS 1025/11

from Ch. 141, par. 111

765 ILCS 1025/11.3 new

Amends the Uniform Disposition of Unclaimed Property Act. Provides that at least one communication made under the Act by the holder of property to the owner of property at his or her last known address shall be by certified mail. Provides that all of the following shall be completed at least 45 days prior to the reporting and remitting of property under the Act: (1) the holder of the property shall notify the State Treasurer that the holder believes the property is subject to being reported and remitted under the Act and shall provide the State Treasurer with specified information; (2) the State Treasurer shall provide the Department of Revenue with the information provided by the holder; (3) the Department of Revenue shall use its databases to attempt to locate the owner of the abandoned property and shall notify the State Treasurer if it was able to locate the owner of the property; (4) if the Department of Revenue locates the owner of the property, the Department of Revenue shall provide the State Treasurer with the location of the owner of the abandoned property; and (5) the State Treasurer shall send, by first class mail, a notice to the owner of abandoned property informing the owner (i) that the property is subject to remittance under the Act; and (ii) how to contact the holder and retrieve the property. Provides that the State Treasurer shall adopt rules to implement the new provisions.

LRB098 16088 HEP 51143 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Disposition of Unclaimed Property
5 Act is amended by changing Section 11 and by adding Section
6 11.3 as follows:

7 (765 ILCS 1025/11) (from Ch. 141, par. 111)

8 Sec. 11. Report of holder.

9 (a) Except as otherwise provided in subsection (c) of
10 Section 4, every person holding funds or other property,
11 tangible or intangible, presumed abandoned under this Act shall
12 report and remit all abandoned property specified in the report
13 to the State Treasurer with respect to the property as
14 hereinafter provided. The State Treasurer may exempt any
15 businesses from the reporting requirement if he deems such
16 businesses unlikely to be holding unclaimed property.

17 (b) The information shall be obtained in one or more
18 reports as required by the State Treasurer. The information
19 shall be verified and shall include:

20 (1) the name, social security or federal tax
21 identification number, if known, and last known address,
22 including zip code, of each person appearing from the
23 records of the holder to be the owner of any property of

1 the value of \$5 or more presumed abandoned under this Act;

2 (2) in case of unclaimed funds of life insurance
3 corporations the full name of the insured and any
4 beneficiary or annuitant and the last known address
5 according to the life insurance corporation's records;

6 (3) the date when the property became payable,
7 demandable, or returnable, and the date of the last
8 transaction with the owner with respect to the property;
9 and

10 (4) other information which the State Treasurer
11 prescribes by rule as necessary for the administration of
12 this Act.

13 (c) If the person holding property presumed abandoned is a
14 successor to other persons who previously held the property for
15 the owner, or if the holder has changed his name while holding
16 the property, he shall file with his report all prior known
17 names and addresses of each holder of the property.

18 (d) The report and remittance of the property specified in
19 the report shall be filed by banking organizations, financial
20 organizations, insurance companies other than life insurance
21 corporations, and governmental entities before November 1 of
22 each year as of June 30 next preceding. The report and
23 remittance of the property specified in the report shall be
24 filed by business associations, utilities, and life insurance
25 corporations before May 1 of each year as of December 31 next
26 preceding. The Director may postpone the reporting date upon

1 written request by any person required to file a report. The
2 report and remittance of the property specified in the report
3 for property subject to subsection (a) of Section 3a of this
4 Act shall be filed before a date established by the State
5 Treasurer that is on or after the later of: (i) 30 days after
6 the effective date of this amendatory Act of the 94th General
7 Assembly; or (ii) November 1, 2005.

8 (d-5) Notwithstanding the foregoing, currency exchanges
9 shall be required to report and remit property specified in the
10 report within 30 days after the conclusion of its annual
11 examination by the Department of Financial Institutions. As
12 part of the examination of a currency exchange, the Department
13 of Financial Institutions shall instruct the currency exchange
14 to submit a complete unclaimed property report using the State
15 Treasurer's formatted diskette reporting program or an
16 alternative reporting format approved by the State Treasurer.
17 The Department of Financial Institutions shall provide the
18 State Treasurer with an accounting of the money orders located
19 in the course of the annual examination including, where
20 available, the amount of service fees deducted and the date of
21 the conclusion of the examination.

22 (e) Before filing the annual report, the holder of property
23 presumed abandoned under this Act shall communicate with the
24 owner at his last known address if any address is known to the
25 holder, setting forth the provisions hereof necessary to occur
26 in order to prevent abandonment from being presumed. If the

1 holder has not communicated with the owner at his last known
2 address at least 120 days before the deadline for filing the
3 annual report, the holder shall mail, at least 60 days before
4 that deadline, a letter by first class mail to the owner at his
5 last known address unless any address is shown to be
6 inaccurate, setting forth the provisions hereof necessary to
7 prevent abandonment from being presumed. At least one
8 communication made under this subsection (e) shall be by
9 certified mail.

10 (f) Verification, if made by a partnership, shall be
11 executed by a partner; if made by an unincorporated association
12 or private corporation, by an officer; and if made by a public
13 corporation, by its chief fiscal officer.

14 (g) Any person who has possession of property which he has
15 reason to believe will be reportable in the future as unclaimed
16 property, may report and deliver it prior to the date required
17 for such reporting in accordance with this Section and is then
18 relieved of responsibility as provided in Section 14.

19 (h) (1) Records pertaining to presumptively abandoned
20 property held by a trust division or trust department or by a
21 trust company, or affiliate of any of the foregoing that
22 provides nondealer corporate custodial services for securities
23 or securities transactions, organized under the laws of this or
24 another state or the United States shall be retained until the
25 property is delivered to the State Treasurer.

26 As of January 1, 1998, this subdivision (h) (1) shall not be

1 applicable unless the Department of Financial Institutions has
2 commenced, but not finalized, an examination of the holder as
3 of that date and the property is included in a final
4 examination report for the period covered by the examination.

5 (2) In the case of all other holders commencing on the
6 effective date of this amendatory Act of 1993, property records
7 for the period required for presumptive abandonment plus the 9
8 years immediately preceding the beginning of that period shall
9 be retained for 5 years after the property was reportable.

10 (i) The State Treasurer may promulgate rules establishing
11 the format and media to be used by a holder in submitting
12 reports required under this Act.

13 (j) Other than the Notice to Owners required by Section 12
14 and other discretionary means employed by the State Treasurer
15 for notifying owners of the existence of abandoned property,
16 the State Treasurer shall not disclose any information provided
17 in reports filed with the State Treasurer or any information
18 obtained in the course of an examination by the State Treasurer
19 to any person other than governmental agencies for the purposes
20 of returning abandoned property to its owners or to those
21 individuals who appear to be the owner of the property or
22 otherwise have a valid claim to the property, unless written
23 consent from the person entitled to the property is obtained by
24 the State Treasurer.

25 (Source: P.A. 98-495, eff. 8-16-13.)

1 (765 ILCS 1025/11.3 new)

2 Sec. 11.3. Department of Revenue databases.

3 (a) The following shall be completed at least 45 days
4 before any report and remittance is made under this Act:

5 (1) the holder of property shall notify the State
6 Treasurer that the holder believes the property is subject
7 to being reported and remitted under this Act and shall
8 provide the State Treasurer with the information contained
9 in paragraphs (1) through (4) of subsection (b) of Section
10 11 of this Act;

11 (2) the State Treasurer shall provide the Department of
12 Revenue with the information provided by the holder;

13 (3) the Department of Revenue shall use its databases
14 to attempt to locate the owner of the abandoned property
15 and shall notify the State Treasurer if it was able to
16 locate the owner of the property;

17 (4) if the Department of Revenue locates the owner of
18 the property, the Department of Revenue shall provide the
19 State Treasurer with the location of the owner of the
20 abandoned property; and

21 (5) the State Treasurer shall send, by first class
22 mail, a notice to the owner of abandoned property informing
23 the owner (i) that the property is subject to remittance
24 under this Act; and (ii) how to contact the holder and
25 retrieve the property.

26 (b) The State Treasurer shall adopt rules to implement this

1 amendatory Act of the 98th General Assembly.